



January 16, 2014

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## SENATE BILL No. 235

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DIGEST OF SB 235 (Updated January 14, 2014 12:42 pm - DI 106)

**Citations Affected:** IC 11-12; IC 11-13.

**Synopsis:** Mental health pilot project. Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Removes the requirement that the budget committee approve the distribution of funds appropriated to the judicial conference to assist court probation departments, specifies the purposes for which these funds may be used, and requires the judicial conference to develop a plan to establish application procedures and funding requirements for courts seeking assistance. Requires the judicial conference to consult with the department of correction and the division of mental health and addiction before awarding financial assistance, and requires any person providing mental health and substance use treatment services be certified by the division of mental health and addiction. Establishes a three year pilot project in Marion County to reduce recidivism by providing mental health and forensic treatment services. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

**Effective:** July 1, 2014.

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**Young R Michael, Miller Patricia,  
Taylor, Randolph**

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January 9, 2014, read first time and referred to Committee on Corrections & Criminal Law.  
January 15, 2014, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 235—LS 6618/DI 106





January 16, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 235

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 11-12-1-2.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community  
3 corrections programs described in section 2 of this chapter ~~may include~~  
4 ~~the following:~~
- 5 (1) Residential or work release programs.
  - 6 (2) House arrest, home detention, and electronic monitoring
  - 7 programs.
  - 8 (3) Community restitution or service programs.
  - 9 (4) Victim-offender reconciliation programs.
  - 10 (5) Jail services programs.
  - 11 (6) Jail work crews.
  - 12 (7) Community work crews.
  - 13 (8) Juvenile detention alternative programs.
  - 14 (9) Day reporting programs.
  - 15 (10) Faith based programs.
  - 16 (11) Other community corrections programs approved by the

SB 235—LS 6618/DI 106



department.  
 shall use evidence based services, programs, and practices that  
 reduce the risk for recidivism among persons who participate in  
 the community corrections programs.

(b) The community corrections board may also coordinate ~~and~~ or  
 operate:

- (1) educational;
- (2) mental health;
- (3) drug or alcohol abuse counseling; and
- (4) housing;

as a part of any of these programs or programs. In addition, the  
 board may provide supervision services for persons described in  
 section 2 of this chapter.

SECTION 2. IC 11-12-3.8 IS ADDED TO THE INDIANA CODE  
 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2014]:

**Chapter 3.8. Mental Health and Addiction Forensic Treatment  
 Services**

**Sec. 1.** As used in this chapter, "mental health and addiction  
 forensic treatment services" means evidence based treatment and  
 recovery wraparound support services provided to individuals who  
 have entered the criminal justice system as a felon or with a prior  
 felony conviction. The term includes:

- (1) mental health and substance abuse treatment;
- (2) vocational services;
- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

**Sec. 2.** An individual is eligible for mental health and addiction  
 forensic treatment services if the individual:

- (1) is a member of a household with an annual income that  
 does not exceed two hundred percent (200%) of the federal  
 income poverty level;
- (2) is a resident of Indiana;
- (3) is at least eighteen (18) years of age; and
- (4) has entered the criminal justice system as a felon or with  
 a prior felony conviction.

**Sec. 3.** Mental health and addiction forensic treatment services  
 may be administered or coordinated only by a provider certified by  
 the division of mental health and addiction.

**Sec. 4. (a)** As used in this section, "account" refers to the mental



1 health and addiction forensic treatment services account  
2 established in subsection (b).

3 (b) The mental health and addiction forensic treatment services  
4 account is established within the state general fund for the purpose  
5 of providing grants or vouchers for the provision of mental health  
6 and addiction forensic treatment services. The account shall be  
7 administered by the division of mental health and addiction.  
8 Money in the account shall be used to fund grants and vouchers  
9 under this chapter.

10 (c) The account consists of:

- 11 (1) appropriations made by the general assembly;
- 12 (2) grants; and
- 13 (3) gifts and bequests.

14 (d) The expenses of administering the account shall be paid from  
15 money in the account.

16 (e) The treasurer of state shall invest the money in the account  
17 not currently needed to meet the obligations of the account in the  
18 same manner as other public money may be invested. Interest that  
19 accrues from these investments shall be deposited in the account.

20 (f) Money in the account is continually appropriated to carry  
21 out the purposes of this chapter.

22 (g) Money in the account at the end of a state fiscal year does  
23 not revert to the state general fund.

24 Sec. 5. (a) The commissioner shall award financial assistance to  
25 a community corrections program based on the proposed  
26 implementation of evidence based practices or the proposed  
27 coordination of services with other community supervision  
28 agencies operating in the same county.

29 (b) Before providing financial assistance under this section, the  
30 commissioner shall consult with the judicial conference of Indiana  
31 and the division of mental health and addiction:

32 (1) for the purpose of more effectively addressing the need  
33 for:

- 34 (A) substance abuse treatment;
- 35 (B) mental health services; and
- 36 (C) other services for offenders placed on community  
37 supervision; and
- 38 (2) to avoid duplication of services.

39 (c) Mental health and substance abuse forensic treatment  
40 services shall be provided by grants under this section. Evidence  
41 based treatment and recovery wraparound support services shall  
42 be provided to individuals who have entered the criminal justice



1 system as a felon or with a prior felony conviction. Services  
2 provided under this section may include:

- 3 (1) mental health and substance abuse treatment;
- 4 (2) vocational services;
- 5 (3) housing assistance;
- 6 (4) community support services;
- 7 (5) care coordination; and
- 8 (6) transportation assistance.

9 (d) Mental health and substance abuse forensic treatment  
10 services provided under this section shall be administered or  
11 coordinated by a provider certified by the division of mental health  
12 and addiction to provide mental health or substance abuse  
13 treatment.

14 (e) The commissioner may award financial assistance under this  
15 chapter to the Marion County recidivism reduction pilot project  
16 established under section 6 of this chapter. This subsection expires  
17 June 30, 2017.

18 Sec. 6. (a) The Marion superior court shall, in consultation with  
19 the department of correction, establish a three (3) year pilot  
20 project to provide mental health and forensic treatment services to  
21 reduce the risk of recidivism among persons whose participation  
22 in the program is an alternative to commitment to the department  
23 of correction.

24 (b) Except as provided in subsection (c), the pilot project must  
25 provide evidence based services for persons participating in the  
26 following programs:

- 27 (1) A diversion program.
- 28 (2) An alternate misdemeanor sentencing program.
- 29 (3) Probation, if the person is placed on probation as an  
30 alternative to being committed to the department of  
31 correction.
- 32 (4) Community corrections, if the person is placed in a  
33 community corrections program as an alternative to being  
34 committed to the department of correction.
- 35 (5) Home detention, if the person is placed in home detention  
36 as an alternative to being committed to the department of  
37 correction.
- 38 (6) Any other program involving community supervision as  
39 an alternative to commitment to the department of correction,  
40 if the program is approved by the court and the department  
41 of correction.

42 (c) The following persons may not participate in the pilot



project:

(1) A sex or violent offender (as defined in IC 11-8-8-5).

(2) A person convicted of a felony described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(d) Mental health and addiction forensic treatment services provided as part of the pilot project may be administered or coordinated only by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

(e) The Marion superior court shall provide a report to the legislative council before October 1 of each year, beginning on October 1, 2015. The report must include the following data:

(1) Recidivism rates for persons in the program.

(2) The cost of the program.

(3) Cost savings of the program.

(4) Opportunities for replication.

(5) Other information requested by the legislative council.

The report must be in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2017.

SECTION 3. IC 11-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is established a program of state financial aid to be used for the support of court probation services. The financial aid program shall be administered by the judicial conference of Indiana. Funds appropriated to the conference for purposes of this chapter shall be distributed by the conference ~~upon approval of the state budget committee. to make grants to Indiana probation departments for the purposes outlined in section 2 of this chapter.~~

(b) Appropriations intended for this purpose may not be used by the judicial conference of Indiana for any other purpose. The judicial conference of Indiana may expend up to three percent (3%) of the money appropriated under this chapter to provide technical assistance, consultation, and training to counties and to monitor and evaluate the operation of the program. Money appropriated to the judicial conference of Indiana for the purpose of making grants under this chapter does not revert to the state general fund at the close of any fiscal year, but remains available to the judicial conference of Indiana for its use in making grants under this chapter.

SECTION 4. IC 11-13-2-2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated under this program may be made available to any court administering probation in order to finance expenditures incurred for ~~either any~~ of the following purposes:

- (1) Salaries for existing or new probation officer positions.
- (2) Maintenance or establishment of administrative support services to probation officers.

**(3) Development and implementation of:**

- (A) incentives and sanctions;**
- (B) policies;**
- (C) programs; and**
- (D) services;**

**to address compliance with community supervision following the schedule adopted by the judicial conference of Indiana under IC 11-13-1-8.**

- (4) Development and use of evidence based services, programs, and practices that reduce probationers' risk for recidivism.**

- (5) Establishment of a coordinated system of community supervision to improve the efficiency and coordination of offender services within a county.**

SECTION 5. IC 11-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial aid for support of probation services may be made only to courts meeting the minimum standards adopted by the judicial conference of Indiana and may not exceed fifty percent (50%) of the cost of the positions or services being financed. Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the judicial conference of Indiana for review. The application shall be accompanied by detailed plans regarding the use of the financial aid.~~

**(b) The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid. The conference may recommend changes or modifications necessary to effect compliance with the minimum standards. The judicial conference and the state budget committee must approve all financial aid granted under this chapter. Any court receiving financial assistance under this chapter may be declared ineligible to receive that assistance if the court fails to maintain the minimum standards.**

**(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.**





1       (d) The judicial conference of Indiana shall award financial  
2 assistance based on the proposed implementation of evidence based  
3 practices or the proposed coordination of services with other  
4 community supervision agencies operating in the same county.

5       (e) Before providing financial assistance under this chapter, the  
6 judicial conference of Indiana shall consult with the department of  
7 correction and the division of mental health and addiction:

8       (1) for the purpose of more effectively addressing the need  
9 for:

10       (A) substance abuse treatment;

11       (B) mental health services; and

12       (C) other services for offenders placed on community  
13 supervision; and

14       (2) to avoid duplication of services.

15       (f) Mental health and substance use treatment services provided  
16 by grants under this section shall be provided by a provider  
17 certified by the division of mental health and addiction to provide  
18 mental health or substance use treatment.



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 14 through 42.

Page 3, delete lines 1 through 21.

Page 3, line 30, delete "are at risk of entering the criminal justice system." and insert **"have entered the criminal justice system as a felon or with a prior felony conviction."**

Page 3, line 39, delete "is:" and insert ":".

Page 3, line 40, after "(1)" insert **"is"**.

Page 4, line 1, after "(2)" insert **"is"**.

Page 4, line 2, after "(3)" insert **"is"**.

Page 4, line 3, delete "at risk of entering the criminal justice system." and insert **"has entered the criminal justice system as a felon or with a prior felony conviction."**

Page 4, between lines 30 and 31, begin a new paragraph and insert:

**"Sec. 5. (a) The commissioner shall award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.**

**(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:**

**(1) for the purpose of more effectively addressing the need for:**

**(A) substance abuse treatment;**

**(B) mental health services; and**

**(C) other services for offenders placed on community supervision; and**

**(2) to avoid duplication of services.**

**(c) Mental health and substance abuse forensic treatment services shall be provided by grants under this section. Evidence based treatment and recovery wraparound support services shall be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:**

**(1) mental health and substance abuse treatment;**

**(2) vocational services;**

SB 235—LS 6618/DI 106



- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

(d) Mental health and substance abuse forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

(e) The commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017."

Page 4, line 31, delete "Sec. 5." and insert "Sec. 6."

Page 4, line 34, delete "participating in the" and insert "**whose participation in the program is an alternative to commitment to the department of correction.**".

Page 4, delete line 35.

Page 4, line 41, delete "." and insert "**, if the person is placed on probation as an alternative to being committed to the department of correction.**".

Page 4, delete line 42.

Page 5, line 1, delete "(5)" and insert "**(4)**".

Page 5, line 1, delete "." and insert "**, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.**".

Page 5, line 2, delete "(6)" and insert "**(5)**".

Page 5, line 2, delete "." and insert "**, if the person is placed in home detention as an alternative to being committed to the department of correction.**".

Page 5, delete line 3.

Page 5, line 4, delete "(8)" and insert "**(6)**".

Page 5, line 4, after "supervision" insert "**as an alternative to commitment to the department of correction, if the program is**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 235 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 0.

